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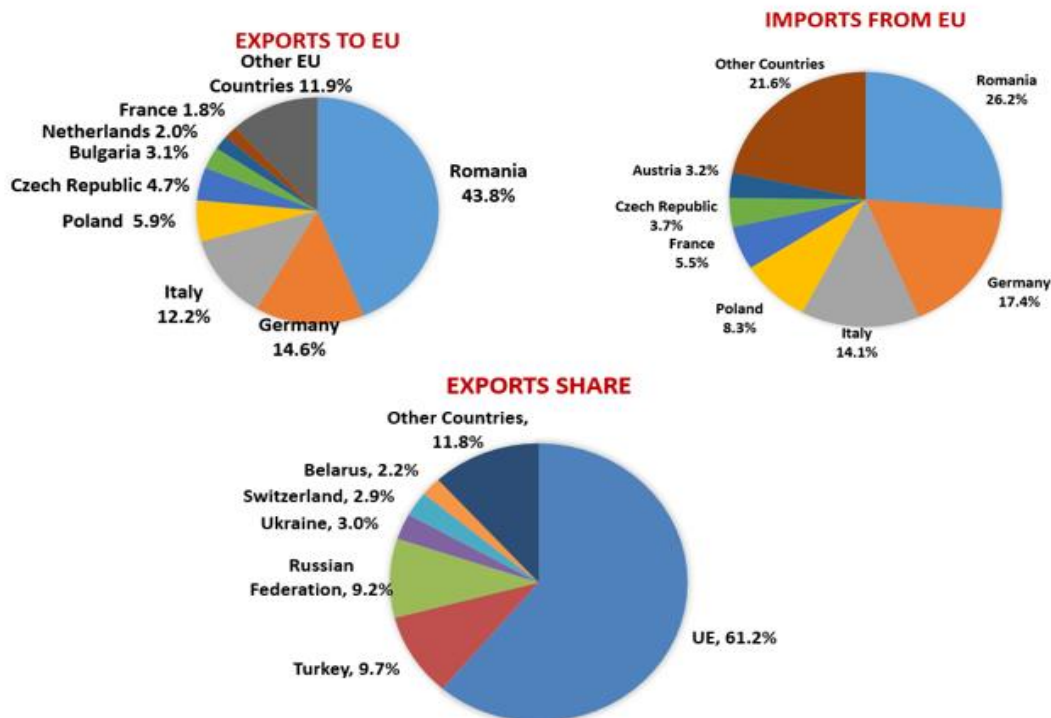
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## Macroeconomic outlook

### Review for Q3 of 2021

- In first semester of 2021, **GDP** amounted to 104.2 bn MDL (around 5.2 bn Euro) and increased by 11.7% compared with the same period of 2020;

- The total stock of liabilities in the form of **Foreign Direct Investments** accumulated on 30.06.2021 was valued at 4.6 bn USD (around 4.06 bn Euro);
- **Trade flow increased by 28.8%** compared with same period of 2020 and amounted 7.17 bn USD (around 6.34 bn Euro);
- **Exports of the Republic of Moldova increased by 21%** and reached 2.1 bn USD (around 1.8 bn Euro). **Export to the EU** has reached 61.2% of total exports;
- **Imports increased by 32.4%** and reached 5.07 bn USD (around 4.5 bn Euro). **Imports from the EU** stand at 45.8% of total imports;
- **Average monthly salary per employee** constituted 8 897.6 MDL (around 446.1 Euro) and increased by 13.3% compared to same period of 2020;
- **Annual inflation rate** was 6.7%. According to the National Bank of Moldova forecast, the annual inflation rate will register the maximum value of 15.1 % in Q3 of 2022 and the minimum value of 4.1% in Q3 of 2023;<sup>1</sup>
- **Public Debt** amounted to 72.4 bn MDL (around 3.63 bn Euro) and registered an increase by 16.3% compared to the same period of 2020;
- **Main Sectors:**
  - **Industry** (the manufacture +11.7%, energy supply +19.9%, extractive industry +11.9%)
  - **Agriculture** - increase by 20.5%
  - **Tourism** – increased by 1.9%
  - **Transport of goods** - increased by 14%
  - **Transport of passengers** - increased by 13.9%



## INTRODUCTION

Following the July 2021 parliamentary elections, the new Parliament and Government came with a clear and strong mandate for pro-European reforms to fight corruption and poverty, improve the justice system and

<sup>1</sup> [National Bank of Moldova- Inflation report](#)

business climate, strengthen bilateral relations with Moldova's partners, especially with the European Union by ensuring a proper implementation of the EU-MD Association Agreement.

In this respect, the Government of the Republic of Moldova approved the Government Activity Plan for 2021-2022, which provides amendment/approval of a series of legal acts aiming to implement the AA/DCFTA provisions and long standing deficiencies faced by the private sector, such as: recognition of qualified advanced electronic signatures based on certificates issued by an EU Member State, remote identification of the customers based on eKYC (electronic Know Your Customer) system, digitalization related amendments, amendment of the Domestic Trade law aiming to abolish the unfair commercial practices, mutual recognition of the Authorised Economic Operator (AEO) status, abolishment of the 2.5 % luxury tax in the telecom industry, etc.

A series of long-standing issues raised by the business community were solved and legal amendments were approved: Adoption of the New Customs Code of the Republic of Moldova in accordance with the European Acquis, first package for the digitalization of the economy, unilateral recognition of qualified advanced electronic signatures issued in EU countries, abolishment of the 2.5 % luxury tax in the telecom industry.

However, the weak rule of law and justice system still obstruct economic development of the country as well as the investment attractiveness due to low country's credibility. A series of legal amendments aimed to align the Moldovan legislation to the EU Acquis are expected by the private sector as a matter of priority, such as urgent amendment of the Internal Trade Law, approval of the GDPR related legislation, proper application of the Extended Producer's Responsibility (EPR) principle, food safety reforms, etc.

In this respect, EBA Moldova continue to promote the pro-business legal amendments and to support its members through its policy and advocacy agenda, by offering expertise, organizing technical meetings and discussions with policy makers and other relevant stakeholders.

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## I. TRADE IN GOODS AND MARKET ACCESS

### A. Domestic Trade Law

Following the amendments included in the Domestic Trade Law related to the introduction of the limitation related to obligation to offer at least 50% of market shelf for local products, the Moldovan Government approved the list of food products that are subject of the respective limitation.

In this respect, two meetings were organized with the participation of the Parliament Committee on Agriculture and Food Industry, Ministry of Agriculture and Food industry, Ministry of Economy, Prime Minister Economic Council and business associations aiming to discuss the applicability of the above-mentioned list.

As a result, it was decided that the list of food products which are subject to the obligation to offer at least 50% of market shelf for local products cannot be taken as a basis for equidistant, non-discriminatory and transparent trade. The respective provision creates risk of not ensuring the required quantity of products according to consumer demand, risk of creating unfair conditions for the activity of SMEs, which is in a more vulnerable position compared to its larger counterparts and thus not being able to ensure the implementation of legal provisions, as well as limitation of consumer's access to types of imported international brands.

The private sector continues to advocate for the need to support domestic producers through other support mechanisms from the state and development partners to increase the presence of domestic products on the shelves, including development of the national projects to stimulate investment in new technologies, promotion of the local food brand through media campaigns, thus stimulating the competitiveness of local producers, marketing/communication activities to stimulate the population to consume local products while generating an increase in market demand for quality products

**Status Quo: According to the Government Action Plan for 2021-2022, approved by the Government Decision no 235/2021 the Domestic Trade Law will be amended by the end of December 2021 aiming to exclude unfair commercial practices.**

## **B. Food safety aspects affecting trade facilitation**

### ***Export of animal origin food products***

With respect to the export of animal origin food products priority remains to be given to reforms in the sanitary and phytosanitary area with a view to obtain the right to export dairy and processed meat products based on raw materials imported from the EU, as well as further diversification of Moldovan exports to EU Market.

In this respect 3 audit missions of the DG SANTE aiming to evaluate the implementation of the National Monitoring Plan for Residues in milk, eggs and honey, both centrally and territorially, took place in 2021 (April, October and November).

Still, as a part of export of animal origin food products the one of the main priority remains to be given to legislation adjustments and issues on food traceability and food safety, in particular the implementation of the necessary systems for identification and registration, plant and animal health and welfare, supervision of self-monitoring systems of food units - HACCP, ISO, CRDV laboratory management and appropriate accreditation in accordance with international standards, etc.

### ***Import requirements for food products, subject to food control***

With the view to the update of Government Decision No 938/2018 a meeting was organised with EBA Members and the leadership of the National Agency for Food Safety. An additional meeting was planned in a larger forum on December 8<sup>th</sup> on the platform of the Prime Minister Economic Council under the Trade Facilitation committee chaired by the EBA. Among the priorities of the Agency Agenda one can identify the commitment related to finalisation of the legal adjustment process of the Government Decision No 938/2018 which should provide clear provisions of a risk management based approach in the import of non-animal products into the Republic of Moldova. The commitment is to ensure the necessary adjustments until end of 2021.

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## **II. TRADE IN SERVICE AND ELECTRONIC COMMERCE**

### **A. Digitization of national economy**

Following multiple interventions and technical meetings organized by EBA Moldova, the Parliament approved on November 11, 2021 the first legislative package for the digitalization of the economy.

The law aims to properly adjust 29 legal acts to overcome existing constraints that limit the possibilities for remote interaction, promotion of digital services and electronic identity for entrepreneurs as follows:

- ✓ Remote registration of a company, modification of documents of incorporation or liquidation of the business;
- ✓ Possibility to use the electronic signature in the labor relations between the employer and the employee, including the signing of employment contracts remotely;
- ✓ Unilateral recognition of qualified advanced electronic signatures issued in EU countries and the possibility to interact with the Moldovan authorities remotely for European investors;
- ✓ Introducing e-power of attorney in relations with public authorities;
- ✓ Obligation of public institutions, first of all of the Agency for Public Services (APS) and of the town halls, to receive electronic documents and to issue in electronic format as a matter of priority of a various document (decisions, certificates, extracts, permissive acts, etc.);
- ✓ Facilitating the remote registration on the public procurement portal and subsequently of electronic public procurement;

- ✓ Use of electronic documents in other areas important for business, including in relations with public utility companies (suppliers of natural gas, electricity, water / sewerage, communications, etc.);
- ✓ Elimination of notification and authorization as a personal data controller;
- ✓ Extending the legal forms of expressing the citizen's consent to the processing of personal data.

However, it is still important to continue to consolidate the digitization process and reach a higher degree, until the total elimination of physical interaction within the digitized processes / services.

With respect to the Governmental authorities' activity the following actions aimed to accelerate the G2B public services digitalization at the level of the central and local public authorities, should be undertaken:

- To modify the legislation governing the Agency for Public Services (APS) activity, in order to ensure an operation mechanism in the Real Estate Register of the necessary registrations (regarding mortgages/pledges in remote regime without physical presence);
- Digitization of the process of presentation in stores of the various certificates for food products on paper, by creating a digital platform which will offer the possibility to consult all certificates online;
- To urge the launch of the digitization process of some permissive documents related to the National Agency for Food Safety / National Agency for Public Health system;
- To review the opportunity to regulate digital assets;
- Digitization and facilitation of the electronic documents flow, especially in the tax-accounting field, by optimizing the use of different types of electronic signatures. To allow the acceptance as evidence of the scanned documents transactions, as well as to implement the system of issuing electronic tax receipts;
- Facilitating access to the Mconnect interoperability platform (a technological solution developed by the Government of the Republic of Moldova to ensure interoperability and data exchange between information systems), by excluding the need to obtain prior authorization from the National Center for Personal Data Protection;
- Liberalization of the way in which consent can be offered and its exclusion from several laws such as the one related to credit bureaus offices, patients' rights and responsibilities, communal services, etc. as the sole legal basis for the processing of personal data;
- Introduction of facilities to stimulate non-cash payments;
- Introduction of fiscal facilities for the reinvestment of the profit remaining at the disposal of the enterprise with the aim of the subsequent investment in the process of digitization of the internal operational processes.

## **B. Data Protection (GDPR)**

The draft laws transposing European legislation on personal data protection (GDPR), drafted back in 2018, on which the EBA community presented consistent recommendations (over 100 proposals) for amendment and adoption in the last Parliamentary reading were not approved. In Q1, 2021 the Parliamentary Commission for national security, defense and public order intended to approve the draft law on data protection (No 422/2018) and draft law on National Center for Personal Data Protection (421/2018) in second reading of the Parliament without any discussions on the respective draft laws with business community.

Following EBA Moldova and the business community demand a Working Group on the improvement of these draft laws was created and a technical meeting was organized on the platform of the Parliamentary Committee. As a result, the Economic Council to the Prime minister hired a national expert who performed an evaluation on the respective two legal initiatives.

However, the expertise offered seems to be incomplete as long as the National Center for Personal Data Protection (CNPDCP) did not present the synthesis of divergences on the draft Law no. 421, which refers to the CNPDCP Regulation.

For the same reasons, between September and October 2021, with the support of the European Union, another expert was delegated, who, together with the national expert hired by the Economic Council under the Prime Minister, invited EBA representatives together with other related business associations, to organize debates on the above-mentioned draft legal acts.

Nevertheless, the limited time in which the debates took place but also considering a significant volume of proposals, objections and amendments, the main risks that still persist on these drafts are as following:

- So far, the CNPDCP has not presented the table of divergence on the draft law no. 421, although a considerable number of objections and proposals have been raised against it, and the most obscure is that several amendments to this normative act have been posted on Parliament's website, which have been registered by former Parliament's Members, without being consulted and explained to the business community and stakeholders;
- Lack of the expertise for harmonization with European Union legislation, a mandatory precondition for projects that come to transpose EU legislation;
- The draft law no. 422 erroneously regulates the method of personal data processing by public institutions and authorities, establishing disproportionate requirements in relation to the public sector. It should be mentioned that the draft laws are not connected to the requirements of Regulation 2018/1725;
- Lack of the regulatory impact analysis on the entrepreneurial activity and the opinion of the Government, both being a part of the legal process on legal acts development, approved by Law no 100/2017;
- Lack of the incorporated summary containing all the objections and proposals put forward regarding these draft legal acts;
- Lack of draft legal amendment for secondary legislation, which will implement the respective draft law;
- Existence of several deviations from the rules of European law which lead to a lack of predictability as regards the transposal of these rules into the national legal framework.

**Status Quo: Both legal initiatives were approved by the Parliamentary Committee on National Security, Defense and Public Order of the previous legislature. These initiatives are important for the business environment, especially from the perspective of clear and proper transposing the regulations of the European Union.**

### **C. Financial sector stability**

In the context of the financial sector stability, the most important actions to be undertaken are as follow:

- To eliminate significant divergences between different legal acts related to bank governance, in particular harmonization of the Law no. 202/2017 on banking activity with Law no. 1134/1997 on joint stock companies, on all aspects related to the rights of shareholders and the functioning of the management bodies of a bank. For the banking sector, there must be a single law according to which banks would govern on the corporate governance side;
- Issues related to anti money laundering legislation. Several significant barriers need to be considered in the ongoing implementation of the current anti money laundering framework, such as:
  - a) Law no. 308/2017 needs to be adjusted by including clearer provisions on remote identification;
  - b) Revision of the requirements related to the keeping / archiving customers' data and documents (new Law no. 308 of 22.12.2017);
  - c) Streamlining KYC regulations.
- To streamline interaction with bailiffs:
  - a) Implementing an IT solution, which would facilitate the exchange of information between banks and bailiffs;

- b) Additional regulation of the activity of bailiffs in order to ensure the uniform application by bailiffs of the normative provisions in force and to standardize the enforcement processes. This need is dictated by the fact that at the moment each bailiff treats differently and individually the normative provisions in force, in this sense being a lack of uniformity, which creates major impediments to the automation of enforcement processes, especially by financial institutions. In addition, bailiffs are increasingly shifting to the financial institutions their obligations to collect information about debtors and their debt, in particular by using the fact that they are exempt from certain payments to obtain any information from financial institutions, and financial institutions do not have any legal mechanisms to limit the amount of information requested by bailiffs.
- To adopt the new legislation on insurance and reinsurance activity, in strict accordance with the recommendations of international experts. The draft law has been approved in the first reading and is pending for the final approval;
  - To ensure that the financial statements audits audit of insurance companies for the purpose of assessing compliance with regulations in the field of anti-money laundering (AML), is performed by internationally recognized audit companies;
  - To ensure transparency in the disclosure of indicators on the financial stability of insurance companies. Strict control of the financial stability indicators of insurance companies, in particular related to the long-term solvency and liquidity rate, as well as the quality of assets covering the insurance reserves, in order to avoid any problem of claims payment;
  - To accelerate and complete the investigation into fraud related to the embezzlement of Green Card Bureau assets and measures to ensure the recovery of those assets;
  - To streamline contractual agreements between insurers and policyholders (by eliminating mandatory insurance contracts and limiting the issuance of insurance), stimulating the digitization of insurance products and implementing international practice.

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### III. TRADE AND SUSTAINABLE DEVELOPMENT

#### A. Implementation of the extended producer responsibility principle (EPR)

International practice, including at the level of the European Union, waste management is carried out based on the EPR (Extended Producer Responsibility) policy, a principle provided in the EU-MD Association Agreement. The necessary modifications provided by the EBA Analysis developed in 2020 with the financial support of GIZ (presenting best EU 5 countries best practices and concrete legal amendments necessary to implement EPR in Moldova) have been analysed and considered by the relevant Ministry, however not yet promoted. The following steps were taken to advance on the issue:

- A working group was set up within the Ministry of Environment under the personal leadership of the Minister Mrs Iuliana Cantaragiu who personally manages the process and is considering the best legal solution and best EPR practice to be implemented in Moldova;
- 3 technical meetings took place already in which a series of practical solutions and EU Country systems have been analysed and a TO DO list of legal solutions was developed.

In this respect the Moldovan Government approved a series of amendments, the most important being the following:

- Introduction of the EPR principle in the primary legislation for individual and collective systems and provision related to the subsidy of this systems, as well as to entities that are authorised to perform waste recovery activities;
- Approval of the Automated Information System "Waste Management" – „SIA MD” which contains, inter alia the nomenclature of producers, subject to EPR;



- Approval of the Governmental Decision 561/2020 introducing a series of regulations, including specific targets for the recovery of packaging waste, but also penalties for individual systems that do not meet the recycling targets;

However, despite the above steps, the implementation of the EPR remains at the project stage, currently not being functional. One of the main impediments to the implementation of the EPR concept is the lack of harmonization of the legal framework with regard to economic instruments aimed to stimulate the functionality of the EPR.

Moreover, the private sector express its concerns related to the implementation of the EPR policy in Moldova and mainly:

- Lack of understanding of the purpose and application of the mechanism for subsidizing the packaging waste management process, especially of entities that are authorised to perform waste recovery activities;
- According to point 22 of the GD 561/2020, in case of non-achievement of recovery / recycling targets, producers who fulfil their responsibilities individually are liable to pay an amount equal to the net operating costs of one tonne for each category of packaging multiplied with unused amount of packaging waste. In this respect, there is no clarity on how to calculate the net management costs for each category of packaging;
- According to point 40 of the Regulation approved by GD 561/2020, the collective systems are to bear the costs of collection and separation of waste collected through collection points. These costs are agreed with the local public authorities, but must not exceed the unit fee set for the public sanitation service. In this respect, the procedure for setting costs and how to coordinate them with public authorities is not clear enough;

Taking into consideration the above-mentioned, it is important to make changes to the regulatory framework aimed to introduce the economic exemption mechanism and to remove all existing shortcomings that delay the proper implementation of the EPR principle. The implementation of this mechanism will involve the following legal amendments and commitments:

- Expanding the taxable base for the calculation of the environmental tax by including the categories of goods / packaging waste stipulated in Law no. 209/2016 on waste in the category of taxable objects according to Law 1540/1998;
- Modification of the current calculation method of the environmental tax provided by Law 1540/1998 from the volume / weight of the product packaged in the polluting packaging (current approach), to the weight of the polluting packaging (new approach);
- Introduction of the economic exemption mechanism according to which waste producers who reach the recovery / recycling targets are not liable to pay the environmental pollution tax. If waste producers do not reach the recovery / recycling targets they are liable to the payment of a fine / penalty calculated on the difference between the minimum targets specified in the legislation and the quantity actually recovered / recycled;
- Amendments to the regulatory framework such as Law 209/2016 and GD 561/2020 to align the regulatory framework with the economic exemption mechanism.

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## IV. RULE OF LAW

### A. Justice Sector Reform

Currently, there are multiple judicial cases affecting several EBA members' examples where European Principles and Standards regarding a proper Judiciary System are being violated, such as the case of Premier Energy with the Court of Appeal of Cahul.

#### *Premier Energy case*

A lawsuit was filed against Premier Energy after a fire broke out in a commercial space with small scattered shops due to the combustion of highly flammable materials exhibited, allegedly due to an electrical peak. Throughout the judicial proceeding, multiple irregularities were committed in breach of the principles of Rule of Law, Non-discretion, Transparency and Due Process:

- The Court did not admit the testimonies, in favour of Premier Energy, from other clients connected to the same power line as the plaintiff that concur that they did not suffer any overvoltage in their energy supply (note: if there is a power hike in the network, it affects the whole power line, not just a single customer). The Court neither accepted the technical automatic records of Premier Energy that show the non-occurrence of overvoltage events in the network. The Court also rejected the technical expertise proving that the high voltage surge had been caused by an overload in the internal network of the consumer, for which Premier Energy is not responsible;
- The Court did not admit any of the two independent damage assessment reports prepared by independent experts proposed by Premier Energy (one from Moldova and the other from Romania). Inclusively, during the judicial process, it was refused to appoint a certified judicial expert to independently and accurately assess the damage;
- The Court did not accept the request of Premier Energy to verify the evidences, to challenge the judge and to transfer the hearings of the case to another judicial instance, requests promoted by Premier Energy given the existence of personal family relationships and “camaraderie” between the plaintiffs, the judges and influential people in the local judicial system;
- There are solid and well-founded suspicions of falsification of evidence and testimonies, which are in the process of corresponding legal investigation.

**Status Quo: At the request of Premier Energy, the case has been transferred to the Court of Appeals of Chisinau. The Court of Appeals of Chisinau on 08.06.2021 admitted at the request of Premier Energy the main evidences resulting from the criminal case, but rejected to provide some additional video evidence from WEB on the day of the accident. The opposing party has filed a recusal request, which was rejected by Court. At the moment, the case is on the imminent phase of the beginning of the debates and the hearing of the statements of the parties.**

### ***Annual electricity tender 2021***

Currently, the regulatory framework of the wholesale electricity markets in Moldova and Ukraine are not aligned and fully compatible. Thus taken into consideration the absence of an open energy balancing mechanism in Moldova, any local trader / supplier can only import from Ukraine based on “take or pay” agreements (fixed volumes every hour at hourly prices) and requires to close a commercial balancing contract in Moldova to cover the gap between planned and actual consumption.

In this respect, as of now, only one agent in the system of Moldova can provide commercial balancing flows - Cuciurgan power plant (MGRES), or any trader which is allowed by MGRES to supply balancing flows covered by MGRES. This gives MGRES a dominant position in the wholesale market, against power producers and traders from Ukraine that are interested in exporting to Moldova.

According to Moldovan legislation the responsibility to establish a balancing mechanism in is on the energy regulator – National Agency for Energy Regulation (ANRE) and to implement it on ANRE and Moldelectrica (TSO-E). Though the new Market Rules defining a balancing market were approved in August 2020, their implementation has been postponed to January 2022. This years-long delay in setting a balancing scheme benefits MGRES, that for years has been partnering with state-owned trader Energocom, which has been the de-facto exclusive wholesale supplier of power to Moldova for almost the last decade.

In the electricity tender 2021, the issue of the impossibility to import commercial balancing flows from Ukraine was raised by MGRES. After consultations with the Energy Community Secretariat, it was confirmed the absence of a balancing market.

As such, the failure to have in place an open balancing market led to the disqualification of the offer from Ukrainian trader D-Trade (DTEK) and MGRES, by use of its dominant position, was awarded the annual electricity contract. As a result, DTEK sued in court Premier Energy for not complying with the tender procedure.

The main concern if in the Market Rules and therefore the balancing market are not in vigor in January 2022, the same situation as that in 2021 will be repeated in relation to the upcoming electricity tender 2022.

## **B. Energy security**

After the declaration of the state of emergency due to expiration of gas supply contract with Russia, Moldova faced a natural gas price shock with potentially significant effects not just on the citizens but also on its industry. According to the German Economic Team analysis<sup>2</sup> the largest gas consumers are residential sector (61%) and commercial & public services (20%), followed by industry (15%). The impact of the gas price shock has a small cost effect on most sectors as energy-intensive industry is small. In worst scenario, the most energy-intensive industries (non-metallic minerals and metallurgy) will increase their costs by 13-14%, large food and drink industry will face a smaller and likely manageable cost (increase of max. 3%).

However, the lesson should be learned and Moldovan Government should prioritize the continuing energy market reforms to strengthen competition and transparency in this sector, reforms which will ensure full respect of the Energy Community acquis and will be in line with the EU Third Energy Package. The strategic priority must be oriented on the reduce of natural gas dependency, by diversifying energy supply, increasing renewable electricity generation and interconnectivity with neighbouring countries.

Diversification of electricity supply sources is the basic principle for ensuring the country's energy security.

Thus, we further plead and support:

- Interconnection of the Republic of Moldova with Romania through the 3 400 kV overhead lines (south, center and north);
- Ensuring the production of electricity within the country, which in terms of natural resources and climate commitments cannot be other than renewable energy.

In relation to Energy independence, Moldova government should consider tendering for the installation of an efficient power plant oriented to cover the energy base load requirements of Moldova.

## **C. Renewable Energy**

The energy sector, especially the production of electricity from renewable sources being to a large extent a regulated industry with considerable long-term capital investments, requires a predictable, transparent, bankable and non-discriminatory regulatory framework, thus ensuring not only attracting investment in a competitive environment, but also the reliable operation of the sector.

In this context, the private sector in the energy field reiterates the need to promote sustainable, competitive support schemes with a low impact on the electricity tariff.

Thus, it is important to draw attention first of all to the fact that since 2018 the launch of tenders for renewable energy production capacities is blocked / postponed. Therefore, the following actions are urgent and important to be undertaken:

- Publishing the capacity limits and quota for the period 2021 – 2025;
- Ensuring the bankability of the “fixed price” support scheme by modifying the primary normative framework (Law 10/2016 and Law 107/2016);
- Launching and organizing tenders for renewable energy production capacities;

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<sup>2</sup> “Impact of a gas price shock on companies in Moldova” GET, October 2021

- Regulation of the electricity producer by eliminating the capacity limit established in Law 107/2016, the possibility of signing long-term electricity acquisition contracts, as well as other changes that are required with the liberalization of the market;
- Improving the “net metering” mechanism and promoting production for own consumption (eg non-reimbursable funds, interest-free loans, etc.);
- Elaboration of policies and assumption of targets for the periods 2030 and 2050 including intermediate targets (National Energy and Climate Plan, Energy Strategy of the Republic of Moldova, etc.);
- Adoption of mechanisms to promote / facilitate the production and trading of electricity from renewable sources on the open market, other than those established by Law 10/2016 (eg the possibility for electricity suppliers to conclude long-term contracts for the procurement of renewable energy, for capacities not exceeding 50% of the quotas intended for auction according to the Government decision and at purchase prices not exceeding 75% of the prices corresponding to the technology granted to producers at fixed prices obtained at the last auction organized by the Government or at tariffs approved by ANRE in case such auctions did not take place);
- Uniform application of technical energy and construction norms for all power plants.